



# Journal of the Senate

Number 26

Thursday, May 11, 1978

The Senate was called to order by Senator Zinkil at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

## INTRODUCTION

By Senators MacKay and Skinner—

SB 1337—A bill to be entitled An act relating to Lafayette County, district school board; amending sections 1, 5, chapter 77-586, Laws of Florida; authorizing the district school board to issue interest-bearing certificates of indebtedness in an amount not to exceed \$1,500,000 in anticipation of receipt of certain racing commission funds; authorizing the board to pay principal and interest on such indebtedness in an amount not to exceed \$100,000 annually; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators W. D. Childers, Poston, Barron, Pat Thomas, Skinner, Scarborough, Gallen, Spicola, Hair, Williamson, Gorman, Glisson, Trask, Plante, Renick, Tobiasen, Wilson, MacKay, Dunn, Jon Thomas, McClain, Firestone, Saylor, Chamberlin, Henderson, Don Childers, Johnston, Vogt, Holloway, Myers, Gordon, Graham, Zinkil, Winn, Ware, Castor, Lewis, Peterson, Scott and Brantley—

SR 1338—A resolution urging the Department of General Services to take steps to assure the functioning of the elevators in the New Capitol.

—was read the first time by title and referred to the Committee on Rules and Calendar.

SB 1339—Introduced and passed May 9

By Senator Glisson—

SB 1340—A bill to be entitled An act relating to Lake County; creating the Northwest Lake County Hospital District; creating a board of trustees of the district; providing the qualifications and duties of the members of the board; authorizing the board to contract with various agencies and entities to provide certain medical care and services; requiring the board to levy a tax to fund such services; providing procedures for the tax levy; authorizing the board to expend its funds for the district; requiring the board to periodically file financial statements of the district; authorizing the board to accept certain funds; providing for a referendum.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Gorman and Vogt—

SB 1341—A bill to be entitled An act creating the South Seminole and North Orange County Wastewater Transmission Authority; declaring the intent and purpose of said act; providing a legal description of the authority's boundary and a method of modifying the boundary lines; providing for a governing board; providing definitions; prescribing the purpose and powers of the authority; providing for the issuance of revenue bonds; providing a method for charging for services performed; requiring customers to provide a method to pay for services received; providing penalties for nonpayment; providing for sealed bids for contracts for construction or improvements;

prohibiting free wastewater transmission services; providing for conveyance of property to the authority without consideration; providing for cooperation with other governmental units, boards, and agencies and individuals; providing for covenant of the state not to alter or limit the rights and powers of the authority; providing for exemption of the authority from taxation; providing for exemption of the authority from certain regulations; providing for deposit of money received; providing for sale of surplus property; providing for liberal construction and severability; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 2041 and CS for CS for HB 910 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries & Licensing—

HB 2041—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.215, Florida Statutes, authorizing the Division of Pari-mutuel Wagering to assess certain charges relating to determining the eligibility of an applicant for a transfer of a pari-mutuel permit; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Standards & Conduct and Representative Martin—

CS for CS for HB 910—A bill to be entitled An act relating to retirement benefits; providing that public officers and employees may forfeit certain rights and benefits under state and local retirement systems upon conviction of any felony involving a breach of public trust; providing procedures for determination by the court whether a felony is one involving a breach of public trust and whether retribution is necessary; repealing s. 121.091(5)(f) and (h), Florida Statutes, which provide for forfeiture of retirement benefits under the Florida Retirement System under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended, CS for House Bills 343 and 491 and HB 2049 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Transportation and Representative Adams—

CS for HB's 343 and 491—A bill to be entitled An act relating to motor homes and mobile homes; amending s. 320.01(1)(b) and (2), Florida Statutes, redefining the terms "motor home" and "mobile home"; adding subsections (13), (14), and (15) to s. 320.822, Florida Statutes; providing standard definitions of the length and width of a mobile home to conform with federal

regulations; amending s. 320.831, Florida Statutes, providing penalties; amending s. 320.8335, Florida Statutes, requiring advertisements or other communications describing a mobile home to conform to certain requirements; authorizing the Department of Highway Safety and Motor Vehicles to assign and require the affixation of an identification number for certain mobile homes; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By the Committee on Criminal Justice—

**HB 2049**—A bill to be entitled An act relating to solicitation of funds by persons or organizations in the name of any law enforcement body; providing definitions; providing duties and powers of the Department of State to issue, deny, suspend, or revoke certificates of persons or organizations desiring to solicit funds in the State of Florida in the name of any law enforcement body; providing conditions, fees, and information necessary for registration; authorizing the Department of State to promulgate rules, conduct investigations, take necessary civil actions, and recommend criminal actions to appropriate prosecution authorities; providing for registration and fees for professional solicitors; providing for prohibition of certain acts; providing for limitations on costs of solicitation in relation to gross receipts; providing for exemptions from registration fee; providing for hearings on denial of registration, suspension, or revocation; providing information received to be public record; requiring certain records to be kept; providing for reciprocal agreements; prohibiting use of registration except under certain conditions; prohibiting certain misrepresentations; prohibiting use of the words "charity or charitable"; requiring identification; requiring disclosure that the person or organization is not a charitable organization; providing for out-of-state organizations and service of process; providing for enforcement and penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 106 and HB 1062 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Steinberg—

**HB 106**—A bill to be entitled An act relating to fraudulent practices; creating s. 817.562, Florida Statutes, providing that certain practices by a person who has created a security interest in personal property securing a monetary obligation constitute fraud; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Criminal.

By Representative Richard—

**HB 1062**—A bill to be entitled An act relating to civil litigation; creating s. 57.106, Florida Statutes; providing that the court shall award a reasonable attorney's fee to the prevailing party in any civil action in which the court finds that there was a complete absence of a justiciable issue of either law or fact; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

The Senate recessed at 8:33 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—38:

Mr. President	Dunn	Graham	Lewis
Castor	Gallen	Hair	MacKay
Chamberlin	Glisson	Henderson	McClain
Childers, Don	Gordon	Holloway	Myers
Childers, W. D.	Gorman	Johnston	Peterson

Plante	Scott	Tobiasen	Williamson
Poston	Skinner	Trask	Wilson
Renick	Spicola	Vogt	Winn
Sayler	Thomas, Jon	Ware	Zinkil
Scarborough	Thomas, Pat		

Excused: Periodically, conferees on SB 1100—Senators Lewis, Gordon, W. D. Childers, Peterson, Plante, Spicola, Trask, Hair; Senator Wilson until 9:30 a.m., Senator Barron.

Prayer by Rabbi Barry M. Altman, Temple Bethel (Reform), Daytona Beach:

Lord of all worlds, Lord of all generations, Lord of all people.

We gratefully acknowledge that the earth and all that is therein are yours. We make mention of your gifts as we share in celebration of Zion reborn. Exactly 30 years ago a nation was conceived upon the ashes of an ancient promise. Born amidst the bombs of war, Israel survives today at 30, testament to the sheer will of man's dreams and God's grace.

We who know the blessings of freedom and democracy share much with this still young and small state. The ties between us are historic and unalienable, rich and deep are our common roots.

Bless this country. May it ever be a stronghold of peace and an advocate of peace in the Council of Nations.

Bless Israel on her 30th anniversary. May everlasting peace be her inheritance.

Blessed art Thou O Lord, our God, who has kept us alive, sustained us and brought us to this joyous day.

Every prophet's dream  
Every seer's vision  
A dream no more  
No longer a will-of-the-wisp  
The vision is real  
With my own eyes I see  
Where these few  
Gaunt with hunger  
So thin they cast no shadow  
Dropped the seed in the valley of Jezreel  
And lo . . . The grain rises and grows  
The State of Israel

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 11, 1978:

SB 366	SB 97	SB 676
SM 13	SB 1147	SB 694
SB 721	SB 1138	SB 726
SB 564	CS/SB 346	CS/SB 649
SB 1233	SB 1032	SB 873
CS/SB 682	SB 107	SB 614
SB 890	SB 979	
SB 475	CS/SB 630	

And all bills remaining on the Special Order Calendar for Wednesday, May 10, 1978.

Respectfully submitted,  
*W. D. Childers, Chairman*

The Committee on Education recommends the following pass:

SB 383	SB 829
SB 510	SB 1108 with 2 amendments
SB 669 with 2 amendments	SB 1272
SB 732 with 2 amendments	

The Committee on Rules and Calendar recommends the following pass: SB 231, SB 246

The Committee on Transportation recommends the following pass:

HB 506 with 2 amendments	SB 622
SB 641	SB 1150 with 1 amendment
SB 670	

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SB 880

The bill was referred to the Committee on Commerce under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SB 16 with 1 amendment

The bill was referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: CS for HB 123, HB 183

The Committee on Transportation recommends the following pass: SB 1234

The bills contained in the foregoing reports were referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Education recommends the following pass: SB 823

The Committee on Transportation recommends the following pass: SB 532, SB 1318

The Committee on Natural Resources and Conservation recommends the following pass:

SB 1057                      SB 1093                      SB 1281

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 651

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Transportation recommends the following pass: SB 1056

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: HB 25, HB 415

The Committee on Transportation recommends the following pass: SB 866

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Education recommends the following pass:

HB 35                                      SB 961 with 2 amendments  
SB 926 with 1 amendment

The bills were referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SB 804 with 1 amendment

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Education recommends the following pass:  
SB 41                      SB 818                      SB 993 with 3 amendments

The Committee on Judiciary-Civil recommends the following pass:

SB 837                      SB 1262                      SB 1280  
SB 1019 with              SB 1275  
3 amendments

The Committee on Natural Resources and Conservation recommends the following pass:

SB 206 with 1 amendment	SB 1273 with 3 amendments
SB 1007	HB 738 with 2 amendments
SB 1041	HB 2007
SB 1076	HB 2074 with 4 amendments
SB 1163	

The Committee on Rules and Calendar recommends the following pass:

SB 386	SCR 715	SB 1202
SCR 1024	HB 268	

The Committee on Transportation recommends the following pass: SB 972 with 3 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 1313

The bill with Committee Substitute attached was referred to the Committee on Appropriations under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 800

The bill with Committee Substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 856

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 1294

The Committee on Finance, Taxation and Claims recommends a Committee Substitute for the following: SB 725 with 2 amendments

The Committee on Appropriations recommends Committee Substitutes for the following: SB 188, CS for SB 877 (as offered by the Committee on Personnel, Retirement and Collective Bargaining)

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary-Civil recommends the following not pass: SB 662

The Committee on Natural Resources and Conservation recommends the following not pass: SB 952

The bills contained in the foregoing reports were laid on the table.

The Special Master - Claims recommends the following not pass: HB 841

The bill contained in the foregoing report was referred to the Committee on Finance, Taxation and Claims under the original reference, pursuant to Rule 4.8.

#### Report of Subcommittee to Standing Committee

The Select Subcommittee on Intrastate Air Carrier Regulation of the Transportation Committee recommends to the standing committee:

(1) No changes be made to ss. 330.45—330.53 relating to regulation of intrastate air carriers by the Public Service Commission; (2) SB 187 be temporarily passed by the full committee; (3) The P.S.C. begin immediately and expeditiously to adopt rules under Chapter 120 to fully implement the provisions of ss. 330.45—330.53, specifically including but not limited to P.S.C. designated routes for certificated carriers, and that the Senate Transportation Committee staff be fully apprised of such actions; (4) The P.S.C. staff and all other interested parties meet to discuss and reach agreement on an appropriate fee arrange-

ment to more equitably fund the regulatory operations of the P.S.C. over intrastate air carriers; and that (5) The P.S.C. staff and all other interested parties meet to discuss the operation and effect of s. 330.53 and reach agreement on its future applicability. The subcommittee further recommends that the full committee receive a report by February 1, 1979, regarding the results of action taken in response to the foregoing recommendations.

The President appointed Senators Gordon, W. D. Childers and Plante as a special committee to review the new Senate facilities and give counsel and recommendation regarding the hanging of portraits of former Senate presidents.

Senator Hair announced that the special committee on rules to govern the impeachment trial of Judge Samuel S. Smith would meet at 1:30 p.m. this day with Chief Justice Ben F. Overton, and the committee would make recommendations to the Senate May 12 on the questions of continuance of the proceedings and the appointment of counsel for the respondent.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 615 and HB 51 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Myers, the rules were waived and by two-thirds vote SB 1107 was withdrawn from the Committee on Transportation.

On motion by Senator Vogt, by two-thirds vote SB 866 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Jon Thomas, by two-thirds vote Senate Bills 586, 1181 and 1049 were withdrawn from the committees of reference and indefinitely postponed.

On point of order by Senator Lewis, SB 725 was also referred to the Committee on Appropriations pursuant to Rule 4.8.

On motion by Senator Lewis, the rules were waived and the Committee on Appropriations was granted permission to consider SB 725 on May 11.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 246, 466, 732, 1108, 510, 829 and 669; and House Bills 654 and 170 were withdrawn from the Committee on Appropriations.

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 415 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Jon Thomas, by two-thirds vote SB 1271 was withdrawn from the committee of reference and indefinitely postponed.

#### REQUESTS FOR EXTENSION OF TIME

The Committee on Appropriations requests an extension of 15 days for consideration of the following:

SB 35 by Senator Graham	SB 137 by Senator Dunn
SB 44 by Senator Graham	SB 181 by Senator Pat Thomas
SB 58 by Senator Glisson	CS/SB 185 by Committee on Economic, Community and Consumer Affairs and Senators Jon Thomas and Glisson
SB 59 by Senator Saylor	
SB 72 by Senator Henderson	
SB 94 by Senator Graham	
SB 96 by Senator Graham	
SB 103 by Senator Johnston	
SB 109 by Senator Myers	
CS for SB 128 by Committee on Corrections, Probation and Parole and Senator Gorman	SB 219 by Senator Glisson
	SB 225 by Senator Firestone
	SB 268 by Senator Firestone
	SB 278 by Senator Johnston
CS for SB 136 by Committee on Education and Senator Peterson	SB 297 by Senator Castor

CS/SB 333 by Judiciary-Criminal Committee and Senators Pat Thomas and Glisson	SB 588 by Senator Jon Thomas
SB 335 by Senator Gordon	CS/SB 629 by Health and Rehabilitative Services Committee and Senator Castor
SB 355 by Senator Plante	
SB 357 by Senator Chamberlin	SB 648 by Senator Gallen
SB 361 by Senator Holloway	SB 678 by Senator Pat Thomas et al
SB 363 by Senator Holloway	SB 680 by Senator Glisson
SB 368 by Senator MacKay	SB 689 by Senator Plante
CS for SB 369 by Judiciary-Criminal Committee and Senator Dunn	SB 700 by Senator Hair
	SB 733 by Senator Plante
	SB 734 by Senator Dunn
	SB 747 by Senator Pat Thomas
SB 381 by Senator Holloway	SB 755 by Senator Castor
SB 382 by Senator Firestone	SB 783 by Senator Vogt
SB 388 by Senator Myers	SB 790 by Senator Vogt
SB 391 by Senator Scarborough	SB 792 by Senator Firestone
SB 400 by Senator Vogt	SB 793 by Senator Pat Thomas
SB 420 by Senator Renick	SB 802 by Senator Jon Thomas
SB 436 by Senator MacKay	SB 813 by Senator Pat Thomas
SB 437 by Committee on Personnel, Retirement and Collective Bargaining	SB 816 by Senator Dunn
SB 451 by Senator Renick	SB 851 by Senator Dunn (by request)
SB 452 by Senator Saylor	SB 855 by Senator Dunn
SB 453 by Senator Graham	SB 865 by Senator Dunn
CS/SB 456 by Committee on Economic, Community and Consumer Affairs and Senator Pat Thomas	SB 879 by Senators Peterson and Trask
	CS for SB 896 by Committee on Personnel, Retirement and Collective Bargaining and Senator Johnston
SB 462 by Senator Jon Thomas	SB 918 by Senator Gorman
CS/SB 466 by Health and Rehabilitative Services Committee and Senator Gordon	SB 947 by Senator Ware
	SB 953 by Transportation Committee
SB 488 by Senator Vogt	SJR 980 by Senator Jon Thomas
SB 489 by Senator Vogt	SB 996 by Committee on Personnel, Retirement and Collective Bargaining and Senators MacKay and Peterson
SB 490 by Senator Vogt	
SB 498 by Senator Myers	SB 1004 by Senator Wilson
SB 521 by Senator Gordon	SB 1015 by Senator Hair
SB 523 by Senator Gordon	SB 1027 by Senator Plante
SB 537 by Senator Firestone	SB 1193 by Senator Plante
SB 540 by Senator Holloway	SB 1274 by Transportation Committee
SB 546 by Senators Jon Thomas and W. D. Childers	HB 170 by Representative Culbreath
SB 547 by Senators Jon Thomas and W. D. Childers	CS for HB 654 by Committee on Veterans' Affairs and Representative Hutto
SB 566 by Senator Pat Thomas	
SB 570 by Senator Poston	
SB 585 by Senator Jon Thomas	

The Committee on Commerce requests an extension of 15 days for consideration of the following:

SB 833 by Senator Williamson	SB 1113 by Senator Jon Thomas
SB 1031 by Senator McClain	SB 1118 by Senator Renick
SB 1035 by Senator Jon Thomas	SB 1120 by Senator Gallen
SB 1036 by Senator MacKay	SB 1121 by Senator Gallen
SB 1040 by Senator W. D. Childers	SB 1139 by Senator Pat Thomas
SB 1059 by Senator MacKay	SB 1143 by Senator Dunn
SB 1061 by Senator Gordon	SB 1152 by Senator Gallen
SB 1065 by Senator McClain	SB 1153 by Senator Gordon
SB 1075 by Senator Vogt	SB 1155 by Senator Gordon
SB 1091 by Senator Gorman	SB 1161 by Senator Scarborough
SB 1092 by Senator Renick	SB 1168 by Senator Vogt
SB 1094 by Senator Ware	SB 1178 by Senator Skinner

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following:

SB 1052 by Senator Gordon  
 SB 1053 by Senator Gordon  
 SB 1054 by Senator Gordon  
 SB 1055 by Senator Gordon  
 SB 1064 by Senator Gordon  
 SB 1078 by Senator Gordon  
 SB 1141 by Senator MacKay  
 and others

SB 1151 by Senator McClain  
 SB 1154 by Senator Gordon  
 HB 64 by Representative  
 Hollingsworth  
 HB 898 by Representative  
 Robinson

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 32 by Senator Jon Thomas	SB 506 by Senator Trask
SB 76 by Senator Saylor (by request)	SB 612 by Senator McClain
SB 82 by Senator Tobiassen	SB 1208 by Senator Jon Thomas
SB 95 by Senator Graham	SB 1214 by Senator Winn
SB 173 by Senator Vogt	SB 1221 by Senator Dunn
SB 194 by Senator Vogt	SB 1260 by Senator Jon Thomas
SB 198 by Senator Glisson	SB 1264 by Senator Castor
SB 210 by Senator Glisson	SB 1265 by Senator Winn (by request)
SB 237 by Senator Glisson	SB 1268 by Senator Trask
SB 305 by Senator Firestone	SB 1269 by Senator Spicola
SB 322 by Senators Tobiassen and Castor	SB 1283 by Senator Holloway
SB 424 by Senator Scarborough	SB 1293 by Senator Plante
SB 446 by Senator Firestone	SB 1297 by Senator Hair
	SB 1302 by Senator MacKay (by request)

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following:

SB 1044 by Senator Vogt	SB 1048 by Senator Saylor
SB 1045 by Senator Vogt	SB 1079 by Senator Trask
SB 1046 by Senator Saylor	

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed SB 481, SB 517 and SB 387.

*Allen Morris, Clerk*

The bills contained in the above message were ordered enrolled.

## MATTERS ON RECONSIDERATION

The motion by Senator MacKay on May 10 that the Senate reconsider the vote by which—

SB 843—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.153, Florida Statutes; providing for the regulation of shrimp fishing in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; providing regulations on live bait shrimp production; prohibiting dead shrimp production; prohibiting noncommercial trawling; providing a penalty; providing an effective date.

—passed on May 10, was taken up and adopted; and the Senate reconsidered the vote.

On motion by Senator MacKay, the Senate reconsidered the vote by which SB 843 was read the third time.

On motions by Senator MacKay the Senate reconsidered the vote by which Amendments 1, 2 and 3 were adopted. By permission the amendments were withdrawn.

Senator MacKay moved the following amendments which were adopted:

Amendment 4—On pages 1-8, strike all of section 1 and insert: Section 1. Section 370.153, Florida Statutes, is amended to read:

370.153 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.—

(1) DEFINITIONS.—When used in this section, unless the context clearly requires otherwise:

(a) "Inland waters" means all creeks, rivers, bayous, bays, inlets, and canals.

(b) "Sample" means one or more shrimp taken from an accurately defined part of the area defined.

(c) "Series" means ten or more samples taken within a period of not more than 1 week, each sample being taken at a different station within the pattern.

(d) "Pattern" means ten or more stations.

(e) "Station" means a single location on the water of the areas defined.

(f) "Licensed live bait shrimp producer" means any individual licensed by the Department of Natural Resources to employ the use of any trawl for the taking of live bait shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties.

(g) "Licensed dead shrimp producer" means any individual licensed by the Department of Natural Resources to employ the use of any trawl for the taking of shrimp within the inland waters of Nassau County, Duval, St. Johns, Putnam, Flagler, or Clay Counties.

(2) SHRIMPING PROHIBITED.—It is unlawful to employ the use of any trawl or other net, except a common cast net, designed for or capable of taking shrimp, within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties, except as hereinafter provided.

## (3) LIVE BAIT SHRIMP PRODUCTION.—

(a) Any licensed live bait shrimp producer shall be permitted to use a roller frame trawl or an otter trawl not to exceed 20 feet in width for the production of live bait shrimp. No other type or size of trawl shall be permitted.

(b) A live bait shrimp production license shall be issued by the Department of Natural Resources upon the receipt of an application by a person intended to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, Flagler, and Clay Counties and not to exceed 45 feet in length in Nassau County, for live shrimp production within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties and the payment of a fee of \$50. The design of the application and permit shall be determined by the department. The proceeds of the fee imposed by this paragraph shall be used by the Department of Natural Resources for the purposes of enforcement of marine resource laws.

(c) The executive director of the Department of Natural Resources, or his designated representative, may by order close certain areas to live bait shrimp production when sampling procedures justify the closing, based upon sound conservation practices. The revocation of any order to close has the effect of opening the area.

(d) Every live bait shrimp producer shall produce evidence satisfactory to the department that he has the necessary equipment to maintain the shrimp alive while aboard the shrimp fishing vessel. All vessels fishing for live bait shrimp must be equipped with live bait shrimp tanks of a type and capacity satisfactory to the department, and no more than 5 pounds of dead shrimp will be allowed on board such vessel per day.

(e) 1. Each licensed live bait shrimp producer who stores his catch for sale or sells his catch shall either:

a. Maintain ~~on-shore~~ ~~onshore~~ facilities which have been annually checked and approved by the local Marine Patrol office to assure the facilities' ability to maintain the catch alive when the live bait shrimp producer produces for his own facility; or

b. Sell his catch only to persons who have ~~on-shore~~ ~~onshore~~ facilities which have been annually checked and approved by the local Marine Patrol office to assure the facilities' ability to maintain the catch alive, when the producer sells his catch to an onshore facility. The producer shall provide the Department of Natural Resources with the wholesale number of the facility to which the shrimp have been sold and shall submit this number on a form designed and approved by the department.

2. All persons who maintain ~~on-shore~~ onshore facilities as described in this paragraph, whether the facilities are maintained by the licensed live bait shrimp producer or by another party who purchases shrimp from live bait shrimp producers, shall keep records of their transactions in conformance with the provisions of s. 370.07(5).

(4) **DEAD SHRIMP PRODUCTION.**—Any person may operate as a commercial dead shrimp producer ~~within on the inland waters of Nassau County St. Johns River~~ provided that:

(a) A dead shrimp production permit is procured from the Department of Natural Resources upon the receipt by the department of a properly filled out and approved application by a person intending to use a boat, not to exceed 25 feet in length in Duval, St. Johns, Putnam, and Clay Counties, and not to exceed 45 feet in length in Nassau County, for dead shrimp production within the inland waters of Nassau County and the inland waters of the St. Johns River of Duval, Putnam, St. Johns, Flagler, or Clay Counties, which permit shall cost \$250 and shall be required for each vessel used for dead shrimp production. The design of the application and permit shall be determined by the Department of Natural Resources. The proceeds of the fees imposed by this paragraph shall be deposited into the account of the Motorboat Revolving Trust Fund to be used by the Department of Natural Resources for the purpose of enforcement of marine resource laws.

~~(b) All commercial trawling shall be restricted to the St. Johns River proper in the area north of Buckman Bridge at Orange Park and at least 100 yards from the nearest shoreline.~~

~~(b)(e)~~ No person shall use any trawl exceeding 35 feet in length or less than a 1½-inch stretch mesh with a 10-pound pull. Length measurement shall be made from the point where the webbing is hung on the corkline at one end of said net to the point where the webbing is hung on the corkline at the opposite end of said net.

~~(c)(d)~~ No person shall use any tickler chain.

~~(d)(e)~~ The Department of Natural Resources may, by rule, place additional restrictions upon the types of equipment to be used by dead shrimp producers.

~~(e)(f)~~ All commercial shrimping activities shall be allowed during daylight hours from Tuesday through Friday each week.

~~(f)(g)~~ No person holding a dead shrimp production permit issued pursuant to this subsection shall simultaneously hold a permit for noncommercial trawling under the provisions of subsection (5). The number of permits issued by the department for commercial trawling or dead shrimp production within the inland waters of Nassau County in any one year shall be the number issued in the base year, 1976. All permits shall be nontransferable and annually renewable only by the original holder thereof. All permits not renewed shall expire and shall not be renewed under any circumstances.

~~(h)~~ It is illegal for any person to sell dead shrimp caught in the St. Johns River, unless the seller is in possession of a dead shrimp production license issued pursuant to this subsection.

~~(i)~~ It is illegal for any person to purchase shrimp for consumption from any seller (with respect to shrimp caught in the St. Johns River) who does not produce his dead shrimp production license prior to the sale of the shrimp.

~~(g)(j)~~ In addition to any other penalties provided for in this section, any person who violates the provisions of this subsection shall have his license revoked by the department.

**(5) NONCOMMERCIAL TRAWLING.**—Any person may harvest shrimp in the St. Johns River for his own use as food and may trawl for such shrimp under the following conditions:

(a) Each person who desires to trawl for shrimp for use as food shall obtain a noncommercial trawling permit from the local Marine Patrol office of the Department of Natural Resources upon filling out an application on a form prescribed by the department and upon paying a fee for the permit, which shall cost \$50.

(b) Each trawl used for noncommercial trawling shall measure not more than 15 feet from the point where the webbing is hung on the corkline at one end of said net to the point where the webbing is hung on the corkline at the opposite

end of said net, and the nets shall be no less than 1 1/2 inches stretch mesh. Only one trawl shall be pulled at a time.

~~(e)~~ All trawling shall be restricted to the confines of the St. Johns River proper in the area north of Buckman Bridge at Orange Park and at east 100 yards from the nearest shoreline.

~~(d)~~ Trawling shall be allowed only during daylight hours on Saturdays and Sundays, and at no time shall any person or boat possess more than 50 pounds of shrimp while on the water.

~~(e)~~ No shrimp caught by a person licensed under the provisions of this subsection shall be sold or offered for sale.

#### (5)(6) SAMPLING PROCEDURE.—

(a) The executive director of the Department of Natural Resources shall have samples taken at established stations within patterns at frequent intervals.

(b) No area shall be closed to live bait shrimp production unless a series of samples has been taken and it has been determined that the shrimp are undersized or that continued shrimping in this area would have an adverse effect on conservation. Standards for size may be established by rule of the department.

(c) No area shall be opened to dead shrimp production in the inland waters of Nassau County unless a series of samples has been taken and it has been determined that the shrimp are of legal size. Legal-sized shrimp shall be defined as not more than 47 shrimp with heads on, or 70 shrimp with heads off, per pound.

~~(6)(7)~~ **LICENSE POSSESSION.**—The operator of a boat employing the use of any trawl for shrimp production must be in possession of a current shrimp production license issued to him pursuant to the provisions of this section.

#### (7)(8) USE OF TRAWL; LIMITATION.—

(a) The use of a trawl by either a live bait shrimp producer or dead shrimp producer shall be limited to the daylight hours, and the taking of dead shrimp shall not take place on Saturdays, Sundays, or legal state holidays.

(b) The use of a trawl by either a live bait shrimp producer or dead shrimp producer within 100 yards of any shoreline is prohibited. The Department of Natural Resources, by rule or order, may define the area or areas where this subsection shall apply.

(c)1. It is unlawful to employ the use of any trawl designed for, or capable of, taking shrimp within 1/4 mile of any natural or manmade inlet in Duval and St. Johns Counties.

2. It is unlawful for anyone to trawl in the Trout River west of the bridge on U.S. 17 in Duval County.

#### (8)(9) PENALTY.—

(a) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law.

(b) The license of any shrimp producer convicted of violating any provision of this section shall be suspended for a period of 1 year.

**Amendment 5**—On page 1 in title, line 8, after the word "production" insert: in Clay, Duval, Putnam, Flagler, and St. Johns Counties

On motion by Senator MacKay, by two-thirds vote SB 843 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

#### Yeas—31

Castor	Gorman	Plante	Thomas, Pat
Chamberlin	Holloway	Poston	Tobiassen
Childers, Don	Johnston	Renick	Trask
Childers, W. D.	Lewis	Scarborough	Vogt
Dunn	MacKay	Scott	Ware
Firestone	McClain	Skinner	Winn
Gallen	Myers	Spicola	Zinkil
Gordon	Peterson	Thomas, Jon	

## Nays—3

Glisson            Graham            Hair

On motions by Senator W. D. Childers, by two-thirds vote SCR 960 was placed after SB 694 on the special order calendar and Senate Bills 1128, 166 and 1202 were placed at the end of the special order calendar.

## SPECIAL ORDER

SB 366 was taken up and on motions by Senator MacKay, by two-thirds vote HB 1180 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Commerce; and Governmental Operations. On motion by Senator MacKay—

HB 1180—A bill to be entitled An act relating to investments by insurers; amending s. 625.320, Florida Statutes; removing the limitation on investments by insurers in savings and loan associations or building and loan associations; providing an effective date.

—a companion measure, was substituted for SB 366 and read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 1180 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—28

Mr. President	Gorman	Plante	Thomas, Pat
Chamberlin	Graham	Poston	Tobiassen
Childers, Don	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Scott	Ware
Dunn	MacKay	Skinner	Williamson
Firestone	McClain	Spicola	Wilson
Glisson	Myers	Thomas, Jon	Winn

## Nays—None

## Votes after roll call:

Yea—Gallen, Henderson, Peterson, Sayler, Zinkil

SB 366 was laid on the table.

SM 13 was taken up and on motion by Senator Jon Thomas, the rules were waived and by two-thirds vote HM 622 was withdrawn from the Committee on Rules and Calendar. On motion by Senator Jon Thomas—

HM 622—A memorial to the Congress of the United States urging Congress to direct the Veterans Administration to establish an out-patient medical facility in Broward County.

—a companion measure, was substituted for SM 13 and read the second time in full, adopted and certified to the House. The vote on adoption was:

## Yeas—27

Mr. President	Gorman	Poston	Vogt
Chamberlin	Graham	Renick	Ware
Childers, Don	Holloway	Skinner	Williamson
Childers, W. D.	Johnston	Spicola	Wilson
Dunn	MacKay	Thomas, Jon	Winn
Firestone	McClain	Thomas, Pat	Zinkil
Glisson	Plante	Tobiassen	

## Nays—None

## Votes after roll call:

Yea—Gallen, Henderson, Peterson, Sayler

SM 13 was laid on the table.

SB 721—A bill to be entitled An act relating to real estate licensing; amending s. 475.25(1)(i), Florida Statutes; providing for placement, by a broker, of funds entrusted to him in escrow or in a noninterest-bearing account with a savings and loan association located and doing business in Florida; providing an effective date.

—was read the second time by title.

Senator Spicola moved the following amendment which was adopted:

Amendment 1—On page 1, lines 16 through 18, strike “for a period not exceeding 2 years, or until compliance with a lawful order imposed in the final order of suspension, or both,”

On motion by Senator Spicola, by two-thirds vote SB 721 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—32

Mr. President	Gorman	Plante	Thomas, Pat
Castor	Graham	Poston	Tobiassen
Chamberlin	Henderson	Renick	Vogt
Childers, Don	Holloway	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	Lewis	Skinner	Wilson
Firestone	MacKay	Spicola	Winn
Glisson	McClain	Thomas, Jon	Zinkil

## Nays—None

## Votes after roll call:

Yea—Sayler, Gallen, Peterson

SB 564—A bill to be entitled An act relating to cosmetology; amending s. 477.08(1), Florida Statutes; requiring any school of cosmetology to require, as a prerequisite to graduation from such school, either a high school diploma or graduation from a school for the deaf and blind; amending s. 477.18(1), Florida Statutes; providing for the appointment of two lay members to the State Board of Cosmetology; providing a term of office for such members; exempting such members from certain qualifications for membership; reviving and readopting ss. 477.01-477.18, 477.20-477.28, Florida Statutes, notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended; providing for retroactive operation; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 564 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—27

Mr. President	Holloway	Renick	Trask
Childers, Don	Johnston	Scarborough	Ware
Childers, W. D.	MacKay	Scott	Williamson
Dunn	McClain	Skinner	Wilson
Firestone	Myers	Spicola	Winn
Glisson	Plante	Thomas, Jon	Zinkil
Graham	Poston	Tobiassen	

## Nays—4

Castor            Chamberlin            Gorman            Henderson

## Votes after roll call:

Yea—Gallen, Peterson, Vogt

SB 1233—A bill to be entitled An act relating to regulation of barbering; providing a short title; providing a purpose; providing definitions; providing for exemptions; creating the Florida Barbers' Board; providing for the appointment and terms of the board members; providing for per diem and mileage allowances for board members; providing for removal of board members; providing for personnel, legal and investigative services; providing for board meetings; providing for receipt and use of fees; providing for the adoption of fees; providing for the adoption and enforcement of rules; providing procedures for the application by and the examination of applicants for licensure; providing for issuance of a license to a successful applicant; providing for biennial renewal of licenses; providing requirements for the registration of barber assistants and licensure of barbers; providing qualifications for barbers and apprentices from other states; providing for barber shop registration; specifying that certain acts are unlawful; providing a civil penalty; providing grounds for suspending, revoking, or refusing to grant a license or certificate of registration; providing for records of the board; providing for the establishment of complaint procedures; providing for civil proceedings; amending s. 120.54(11)(a), Florida Statutes; requiring the board to submit certain statements to the Administrative Procedures Com-



mittee along with certain proposed rules; providing a saving clause; providing for repeal of the act; providing for legislative review; providing severability; providing for retroactivity; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Henderson and adopted:

**Amendment 1**—On page 4, line 7, strike the words "on the commission" and on page 7, lines 5 and 6, strike the words "or barber school" and on page 10, line 28, strike the word "registered" and on page 11, line 5, strike the word "registered"

**Amendment 2**—On pages 14 and 15, strike all of section 25 of the bill

(Renumber subsequent sections.)

**Amendment 3**—On page 1 in title, line 31 and on page 2 in title, lines 1-3 strike "amending s. 120.54(11)(a), Florida Statutes; requiring the board to submit certain statements to the Administrative Procedures Committee along with certain proposed rules;"

On motion by Senator Henderson, by two-thirds vote SB 1233 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

**Yeas—28**

Mr. President	Graham	Poston	Thomas, Pat
Chamberlin	Henderson	Renick	Tobiassen
Childers, Don	Holloway	Scarborough	Trask
Childers, W. D.	Johnston	Scott	Ware
Dunn	Lewis	Skinner	Wilson
Firestone	MacKay	Spicola	Winn
Glisson	Myers	Thomas, Jon	Zinkil

**Nays—None**

**Votes after roll call:**

**Yeas**—Castor, Gallen, Gorman, McClain, Peterson, Vogt, Williamson

By the Committee on Judiciary-Civil and Senator W. D. Childers—

**CS for SB 682**—A bill to be entitled An act relating to corneal transplant; amending s. 732.9185, Florida Statutes, authorizing a district medical examiner's designee to perform required corneal removal of a decedent for purposes of corneal transplant under certain conditions; providing an effective date.

—was read the first time by title and SB 682 was laid on the table.

On motions by Senator W. D. Childers, by two-thirds vote CS for SB 682 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—26**

Mr. President	Henderson	Scarborough	Trask
Castor	Holloway	Scott	Ware
Chamberlin	Johnston	Skinner	Wilson
Childers, Don	Lewis	Spicola	Winn
Childers, W. D.	MacKay	Thomas, Jon	Zinkil
Firestone	McClain	Thomas, Pat	
Graham	Myers	Tobiassen	

**Nays—None**

**Votes after roll call:**

**Yea**—Gallen, Glisson, Peterson, Sayler, Vogt, Williamson

**SB 890**—A bill to be entitled An act relating to county bond financing; amending s. 159.285(1), Florida Statutes; permit-

ting county revenue bonds to be issued under the Florida Industrial Development Financing Act to finance certain facilities of specific projects if the owner or user of the project maintains either his principal place of business or the project within the county issuing such bonds; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 890 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—29**

Mr. President	Henderson	Poston	Trask
Castor	Holloway	Sayler	Ware
Chamberlin	Johnston	Scarborough	Wilson
Childers, W. D.	Lewis	Skinner	Winn
Dunn	MacKay	Spicola	Zinkil
Firestone	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	
Graham	Plante	Tobiassen	

**Nays—None**

**Votes after roll call:**

**Yea**—Don Childers, Gallen, Renick, Vogt, Williamson

On motion by Senator W. D. Childers, the rules were waived and SB 890 was ordered immediately certified to the House.

**SB 475**—A bill to be entitled An act relating to special assessments for municipal improvements; amending ss. 170.03, 170.08, 170.11, Florida Statutes; authorizing discounts for prepayment of special assessments; authorizing the sale of special assessment bonds at a discount; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 475 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—31**

Mr. President	Graham	Poston	Tobiassen
Castor	Henderson	Renick	Trask
Chamberlin	Holloway	Sayler	Ware
Childers, W. D.	Johnston	Scarborough	Williamson
Dunn	Lewis	Skinner	Wilson
Firestone	MacKay	Spicola	Winn
Glisson	McClain	Thomas, Jon	Zinkil
Gorman	Myers	Thomas, Pat	

**Nays—None**

**Votes after roll call:**

**Yea**—Gallen, Peterson, Vogt

**SB 97**—A bill to be entitled An act relating to child support in dissolution of marriage proceedings; amending s. 61.13(1), Florida Statutes; requiring the court to consider specified factors in determining an order for child support; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Graham and adopted:

**Amendment 1**—On page 2, between lines 13 and 14, insert: 7. *The medical and dental needs of the child.*

On motion by Senator Graham, by two-thirds vote SB 97 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

**Yeas—32**

Mr. President	Childers, W. D.	Graham	Lewis
Castor	Dunn	Henderson	MacKay
Chamberlin	Firestone	Holloway	McClain
Childers, Don	Glisson	Johnston	Myers



Poston	Scott	Thomas, Pat	Williamson
Renick	Skinner	Tobiassen	Wilson
Saylor	Spicola	Trask	Winn
Scarborough	Thomas, Jon	Ware	Zinkil

Nays—None

Votes after roll call:

Yea—Gallen, Peterson, Vogt

On motion by Senator Graham, the rules were waived and SB 97 after being engrossed was ordered immediately certified to the House.

SB 1147—A bill to be entitled An act relating to private employment agencies; amending s. 449.05(9), Florida Statutes; increasing calendar days for fee refund; providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote SB 1147 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Glisson	Saylor	Trask
Castor	Holloway	Scarborough	Ware
Chamberlin	Johnston	Skinner	Williamson
Childers, Don	MacKay	Spicola	Wilson
Childers, W. D.	McClain	Thomas, Jon	Winn
Dunn	Poston	Thomas, Pat	Zinkil
Firestone	Renick	Tobiassen	

Nays—None

Votes after roll call:

Yea—Graham, Peterson, Vogt

SB 1138—A bill to be entitled An act relating to water control districts; clarifying the distinction between the use of the term "water-management district" in chapter 298, Florida Statutes, and the term "water management district" in chapter 373, Florida Statutes, by providing that such districts as created under chapter 298, Florida Statutes, shall be designated as "water control districts"; directing the Division of Statutory Revision of the Joint Legislative Management Committee to change the term "water-management district" to "water control district" and the term "drainage district" to "district" each place these terms appear in chapter 298, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 1138 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Glisson	Saylor	Trask
Castor	Graham	Scarborough	Ware
Chamberlin	Holloway	Scott	Williamson
Childers, Don	Johnston	Skinner	Wilson
Childers, W. D.	MacKay	Spicola	Winn
Dunn	McClain	Thomas, Jon	Zinkil
Firestone	Poston	Thomas, Pat	
Gallen	Renick	Tobiassen	

Nays—None

Votes after roll call:

Yea—Peterson, Vogt

By the Committee on Commerce and Senator Scarborough—

CS for SB 346—A bill to be entitled An act relating to medical conduct; amending s. 458.121(7), Florida Statutes; requiring the temporary suspension of the license of a physician when there are charges to be preferred involving immoral or unprofessional conduct, incompetence, negligence, or willful misconduct or when the physician is charged by the organized staff of a hospital, health maintenance organization, or ambulatory surgical center

with certain conduct, willful misconduct, or negligence, pending a hearing; providing an effective date.

—was read the first time by title and SB 346 was laid on the table.

On motions by Senator Scarborough, by two-thirds vote CS for SB 346 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gorman	Scarborough	Ware
Castor	Graham	Scott	Williamson
Childers, Don	Holloway	Skinner	Wilson
Childers, W. D.	Johnston	Spicola	Winn
Dunn	McClain	Thomas, Jon	Zinkil
Firestone	Poston	Tobiassen	
Gallen	Renick	Trask	
Glisson	Saylor	Vogt	

Nays—None

Votes after roll call:

Yea—Henderson, Peterson

Senator Pat Thomas presiding

The President presiding

SB 1032 was taken up and on motion by Senator Castor, the rules were waived and by two-thirds vote HB 1169 was withdrawn from the Committee on Judiciary-Civil. On motion by Senator Castor—

HB 1169—A bill to be entitled An act relating to alimony and garnishment; amending s. 61.12(2), Florida Statutes, authorizing a court to issue a continuing writ of garnishment for the periodic payment of alimony; providing an effective date.

—a companion measure, was substituted for SB 1032 and read the second time by title. On motion by Senator Castor, by two-thirds vote HB 1169 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Glisson	Renick	Tobiassen
Castor	Gorman	Saylor	Trask
Chamberlin	Graham	Scarborough	Vogt
Childers, Don	Holloway	Scott	Ware
Childers, W. D.	Johnston	Skinner	Williamson
Dunn	MacKay	Spicola	Wilson
Firestone	McClain	Thomas, Jon	Winn
Gallen	Poston	Thomas, Pat	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

SB 1032 was laid on the table.

Senator Scott moved that the Senate reconsider the vote by which SB 721 passed this day.

The motion was placed on the calendar for consideration May 17.

SB 107—A bill to be entitled An act relating to retirement; amending s. 121.051(1) and (2)(a), Florida Statutes, 1977, to provide that after June 30, 1978, the compulsory participation requirements of said section shall not be construed to require participation in the Florida Retirement System by a member of an existing system who returns to employment following a break in service, provided such member leaves his contributions on deposit with the existing system; reopening the Florida Retirement System to members of certain existing retirement systems and extending survivor benefits for members transferring from the Teachers' Retirement System of

Florida to the Florida Retirement System; providing an effective date.

—was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Pat Thomas and adopted:

Amendment 1—On page 7, line 4, insert new Section 2:

Section 2. There is hereby appropriated out of the Florida Retirement System Trust Fund to the Division of Retirement a lump sum amount of \$100,000 for administrative and other expenses as may be required to implement this act and other amendments to the retirement laws pertaining to a 30 year retirement plan, minimum benefit adjustments for certain retired public employees and changes in the special risk class of membership of the Florida Retirement System which may be enacted by the 1978 Legislature. The Department of Administration is authorized to establish up to 6 time-limited positions, not to exceed 12 months, in order to implement the various amendments to the retirement laws enacted by the 1978 Session of the Legislature.

(Renumber subsequent section.)

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 2—On page 7, line 4, insert a new Section 3:

Section 3. Paragraph (d) of subsection (1) and paragraph (c) of subsection (5) of s. 121.052, F.S., are amended to read:

121.052 Membership class of certain Elected State Officers.—

(1)(d) Any officer who is eligible to be a member of the elected state officers' class, but for whom the time period provided in paragraph (c) has expired without his having transferred to the Elected State Officers' class, shall be permitted to elect in writing from October 1, ~~1975~~ 1978 through December 31, ~~1975~~ 1978, to transfer to and become a member of this class on January 1, ~~1976~~ 1979, and be subject to the benefits and provisions of the Elected State Officers' class on and after that date. After December 31, ~~1975~~ 1978, no such election may be made; except as permitted under paragraph (e).

(5)(c) The benefit provisions of subsections (2), (3), (4), (5), (6), (7), (8), ~~and~~ (9) and (11) of s. 121.091, as they relate respectively to benefits payable for dual normal retirement ages, early retirement, disability retirement, termination of employment, optional forms of retirement, death benefits, designation of beneficiaries, ~~and~~ employment after retirement, and method of computing actuarial equivalent, shall also apply to members of the Elected State Officers' Class, except that only 8 years of creditable service in this class shall be needed to attain the benefits specified in subsections (3), (5), and (7) of such section. The provisions of all subsections referred to in this paragraph shall be construed in such manner to make them compatible with the provisions of this act.

(Renumber subsequent sections.)

Amendment 3—On page 7, line 4, insert a new Section 4:

Section 4. Subsection (11) of section 121.091, Florida Statutes, is created to read:

121.091 Benefits payable under the system.—

(11) A member who becomes eligible to retire and has accumulated the maximum benefit of one hundred per cent (100%) of average final compensation may continue in active service and, if upon the member's retirement, the member elects to receive a retirement compensation pursuant to subsections (2), (6), or (7), the actuarial equivalent percentage factor applicable to the age of such member at the time the member reached said maximum benefit and applicable to the age at said time of the member's spouse shall determine the amount of benefits to be paid.

(Renumber subsequent section.)

The Committee on Appropriations offered the following amendment which was moved by Senator Pat Thomas and adopted:

Amendment 4—On page 1 in title, line 17, after the semi-colon following the word "system" insert: providing an appropriation and authorizing the establishment of time-limited positions for the purpose of implementing this and other changes in the retirement law;

On motion by Senator Pat Thomas, by two-thirds vote SB 107 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	Renick	Vogt
Castor	Graham	Sayler	Ware
Chamberlin	Henderson	Scarborough	Williamson
Childers, Don	Holloway	Skinner	Wilson
Childers, W. D.	Johnston	Spicola	Winn
Dunn	MacKay	Thomas, Jon	Zinkil
Firestone	McClain	Thomas, Pat	
Gallen	Myers	Tobiassen	
Glisson	Poston	Trask	

Nays—None

Votes after roll call:

Yea—Peterson, Scott

Senator Spicola moved that the Senate reconsider the vote by which SB 681 passed on May 10.

The motion was placed on the calendar for consideration May 17.

SB 979—A bill to be entitled An act relating to the Good Samaritan Act; adding subsection (3) to s. 768.13, Florida Statutes, to provide immunity from civil liability for persons, including veterinarians, who render emergency care or treatment to certain injured animals; providing an effective date.

—was read the second time by title. On motion by Senator Skinner, by two-thirds vote SB 979 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	Renick	Vogt
Castor	Graham	Sayler	Ware
Chamberlin	Henderson	Scarborough	Williamson
Childers, Don	Holloway	Scott	Wilson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Thomas, Jon	Zinkil
Firestone	McClain	Thomas, Pat	
Gallen	Myers	Tobiassen	
Glisson	Poston	Trask	

Nays—None

Votes after roll call:

Yea—Peterson, Spicola

By the Committee on Economic, Community and Consumer Affairs and Senator Castor—

CS for SB 630—A bill to be entitled An act relating to nursing homes and related health-care facilities; amending s. 400.162(5), Florida Statutes, and adding a subsection; modifying procedure for handling of nursing home residents' trust funds; providing for quarterly statements to residents; requiring trustees to be bonded; providing for reservation of bed-space or room during a temporary absence; providing conditions; providing for safeguarding of possessions; providing penalties; amending s. 400.427(4), Florida Statutes, and adding a subsection; modifying procedure for handling of adult congregate living facility residents' trust funds; providing for quarterly statements to residents; requiring trustees to be bonded; providing for reservation of bedspace or room during a temporary absence; providing conditions; providing for safeguarding of possessions; providing penalties; providing an effective date.

—was read the first time by title and SB 630 was laid on the table.

On motions by Senator Castor, by two-thirds vote CS for SB 630 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Poston	Trask
Castor	Graham	Renick	Vogt
Chamberlin	Henderson	Sayler	Ware
Childers, Don	Holloway	Scarborough	Williamson
Childers, W. D.	Johnston	Skinner	Wilson
Dunn	MacKay	Spicola	Winn
Firestone	McClain	Thomas, Jon	Zinkil
Gallen	Myers	Thomas, Pat	
Glisson	Plante	Tobiassen	

Nays—None

Vote after roll call:

Yea—Peterson

SB 676—A bill to be entitled An act relating to the sales and use tax; amending s. 212.08(8)(b), Florida Statutes; providing and clarifying legislative intent relating to application of the sales and use tax to certain vessels; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 676 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Renick	Trask
Castor	Graham	Sayler	Vogt
Chamberlin	Henderson	Scarborough	Ware
Childers, Don	Holloway	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Wilson
Dunn	MacKay	Spicola	Winn
Firestone	McClain	Thomas, Jon	Zinkil
Gallen	Myers	Thomas, Pat	
Glisson	Poston	Tobiassen	

Nays—None

Vote after roll call:

Yea—Peterson

SB 694—A bill to be entitled An act relating to the Student Loan Trust Fund; amending s. 239.671, Florida Statutes; deleting the requirement that excess funds only be used to assist in funding the scholarship loan program for state university and public community college students; providing that certain student fees shall not be collected if the Division of Bond Finance of the Department of General Services and the Commissioner of Education determine that such fees are not required as security for revenue bonds; providing for disposition of moneys collected in such event; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Castor and adopted:

Amendment 1—On page 2, between lines 14 and 15, insert a new section:

Section 2. Upon the determination by the Division of Bond Finance of the Department of General Services and the Commissioner of Education that fees collected pursuant to s. 239.671 are no longer required, s. 239.71 is hereby repealed.

(Renumber subsequent section.)

Amendment 2—On page 1 in title, line 14, after the word "event" insert: ; upon such determination, repealing s. 239.71, Florida Statutes, relating to fees in the Student Financial Aid Trust Fund

On motion by Senator Castor, by two-thirds vote SB 694 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	Poston	Tobiassen
Castor	Graham	Renick	Trask
Chamberlin	Henderson	Sayler	Vogt
Childers, Don	Holloway	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Wilson
Firestone	McClain	Spicola	Winn
Gallen	Myers	Thomas, Jon	Zinkil
Glisson	Plante	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Peterson

SB 726—A bill to be entitled An act relating to the duties of the Board of Regents of the Division of Universities of the Department of Education; amending s. 241.731(2)(c), Florida Statutes; restricting the uses of student evaluations of faculty members in an institution of the state university system; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator McClain and adopted:

Amendment 1—On page 1, lines 21-25, strike all underlined language and insert a new paragraph (d):

(d) All student evaluations prescribed by the Board of Regents pursuant to this section shall be uniform throughout the state university system. Any form prescribed for use by students in evaluating faculty members shall be designed to obtain the appropriate information to reflect teaching performance, and such form shall be independently evaluated, pursuant to Chapter 120, F.S., for its validity for improving student learning before its use in the state university system. Student evaluation results shall be available, in the aggregate only, for public inspection.

Senator McClain moved the following amendments which were adopted:

Amendment 2—On page 1, line 13, after the word "amended" insert: and paragraph (d) is added to said subsection

Amendment 3—On page 1, strike lines 5 through 8 in title and insert: 241.731(2)(c), Florida Statutes; adding 241.731(2)-(d), Florida Statutes; requiring student evaluations prescribed by the Board of Regents to be uniform throughout the state university system; providing for the form, content, and use of such evaluations limiting public inspection of such evaluation; providing an effective date.

On motion by Senator McClain, by two-thirds vote SB 726 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Glisson	Poston	Tobiassen
Castor	Gorman	Renick	Trask
Chamberlin	Graham	Scarborough	Vogt
Childers, Don	Henderson	Scott	Ware
Childers, W. D.	MacKay	Skinner	Williamson
Dunn	McClain	Spicola	Wilson
Firestone	Myers	Thomas, Jon	Winn
Gallen	Plante	Thomas, Pat	Zinkil

Nays—None

Vote after roll call:

Yea—Peterson

By the Committee on Health and Rehabilitative Services and Senators Castor, Plante and Wilson—

**CS for SB 649**—A bill to be entitled An act relating to spouse abuse; providing legislative intent; providing definitions; prescribing duties and functions of the Department of Health and Rehabilitative Services with regard to spouse abuse; providing for the development and establishment of spouse abuse centers for the prevention, care, treatment, and rehabilitation of persons engaged in or subject to spouse abuse; authorizing the department to prescribe by rule the standards for certification of the centers; requiring the department to conduct research and furnish assistance in the area of spouse abuse; requiring the department to make an annual evaluation of each center; requiring a report to the Legislature; prescribing certification standards and funding requirements for centers; requiring a center to refer certain persons and their spouses to appropriate treatment or rehabilitation agencies; providing for confidentiality; requiring law enforcement officers to notify persons subject to spouse abuse of the availability of a center, if there is a center available; providing an appropriation; providing an effective date.

—was read the first time by title and SB 649 was laid on the table.

On motion by Senator Castor, by two-thirds vote CS for SB 649 was read the second time by title.

The Committee on Appropriations offered the following amendment which was moved by Senator Castor:

**Amendment 1**—On page 6, strike all of lines 7 and 8 and insert: appropriated in a "Grants-and-Aids" category to the Department of Health and Rehabilitative Services, Aging and Adult Services, for the purpose of funding spouse abuse centers.

Senators Plante and Castor offered the following substitute amendment which was moved by Senator Plante and adopted:

**Amendment 2**—On page 6, lines 6-21, strike all of Section 8 and insert: Section 8. The fee charged for each marriage license issued in the state shall be increased by the sum of \$5. The Department of Administration shall establish a trust fund for the purpose of collecting and disbursing funds generated from the increase in marriage license fees. Such funds generated shall be directed to the Department of Health and Rehabilitative Services for the specific purpose of funding spouse abuse centers and the funds shall be appropriated in a "Grants-in-Aids" category to the Department of Health and Rehabilitative Services, Aging and Adult Services, for the purpose of funding spouse abuse centers.

On motion by Senator Castor, by two-thirds vote CS for SB 649 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

#### Yeas—35

Mr. President	Gorman	Poston	Tobiassen
Castor	Graham	Renick	Trask
Chamberlin	Henderson	Sayler	Vogt
Childers, Don	Holloway	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Wilson
Firestone	McClain	Spicola	Winn
Gallen	Myers	Thomas, Jon	Zinkil
Glisson	Plante	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Peterson

**SB 873**—A bill to be entitled An act relating to private employment agencies; repealing s. 449.015, Florida Statutes; repealing exemption from employment agency licensing requirement for agencies placing persons in positions for which the starting salary is \$20,000 per year or greater; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Firestone and adopted:

**Amendment 1**—On page 1, line 14, insert new Section 2. and renumber subsequent sections:

Section 2. Section 449.021, Florida Statutes is amended to read:

(3) *Each application for a license shall be accompanied by a full set of fingerprints and a photograph of the applicant taken within 2 years immediately preceding the submission of the application.*

Senator Firestone moved the following amendment which was adopted:

**Amendment 2**—On page 1, line 7 in title, after the word "greater;" insert: adding s. 449.021(3), Florida Statutes; providing that each application for a license shall be accompanied by a photograph and the fingerprints of the applicant taken within 2 years of the application;

On motion by Senator Firestone, by two-thirds vote SB 873 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

#### Yeas—32

Mr. President	Gorman	Plante	Thomas, Pat
Chamberlin	Graham	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	Zinkil

Nays—None

Votes after roll call:

Yea—Peterson, Tobiassen

**SB 614**—A bill to be entitled An act relating to obstructing justice; amending ss. 843.01 and 843.02, Florida Statutes, relating to the prohibition against resisting certain officers of the law in the execution of process or other legal duty, to include parole and probation officers and supervisors employed by the Department of Offender Rehabilitation among such officers; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Pat Thomas, by two-thirds vote SB 614 was read the third time by title, passed and certified to the House. The vote on passage was:

#### Yeas—32

Mr. President	Gorman	Plante	Thomas, Pat
Chamberlin	Graham	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	Zinkil

Nays—None

Votes after roll call:

Yea—Peterson, Tobiassen

Consideration of Senate Bills 627 and 1069 was deferred.

**SB 1070**—A bill to be entitled An act relating to the Beverage Law; amending s. 562.11(1), Florida Statutes; providing a complete defense in a civil suit or suspension or revocation proceeding to a licensee who dispenses any alcoholic beverage to a minor if certain requirements are met; providing an effective date.

—was taken up with pending Amendment 3, which failed.

Senator MacKay moved the following amendment which failed:

**Amendment 4**—On page 2, line 6, insert: The above defense shall not be available at any administrative action by the Division under the beverage law.

Senator Dunn moved the following amendment which failed:

**Amendment 5**—Strike lines 16-31 on page 1 and lines 1-6 on page 2 and insert: (1)(a) It shall be unlawful for a person to sell, give, serve, or permit to be served any alcoholic beverage to a person who is under 18 years of age, or to permit a person under 18 years of age to consume alcoholic beverages on the licensed premises.

(b) Any person who violates the provision of subsection (a) shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and 775.083.

(c) A licensee shall have an affirmative defense in a civil action or in an administrative action for revocation or suspension of his license brought under subsection (a) or on the basis of the breach of duty or duties prescribed in subsection (a) if the licensee proves by a preponderance of the evidence the following elements:

(1) That at the time the alcoholic beverage was sold, given, served or permitted to be served, the minor falsely represented to the licensee that he, the minor, was of legal age to purchase and consume alcoholic beverage; and

(2) That based upon the physical appearance of the minor and all other facts and circumstances which existed at the time that the alcoholic beverage was sold, given, served or permitted to be served to the minor, the licensee, acting in good faith, had justifiable reason to believe and did in fact believe that the minor was of legal age.

(3) That for the purpose of this section the phrase "justifiable reason to believe" shall mean such facts and inferences as would lead a reasonable and prudent person, under the circumstances, to believe that the minor was of legal age.

(4) That the licensee requested the minor to display and the minor did display to the licensee an identification card or drivers license showing that the age of the person named in the card or license to be 18 years or older.

The vote was:

Yeas—17

Castor	Hair	Sayler	Ware
Childers, Don	Johnston	Spicola	Wilson
Dunn	MacKay	Thomas, Jon	
Glisson	Peterson	Trask	
Graham	Poston	Vogt	

Nays—17

Mr. President	Henderson	Scarborough	Winn
Chamberlin	Holloway	Scott	Zinkil
Childers, W. D.	McClain	Skinner	
Gallen	Myers	Tobiasen	
Gorman	Renick	Williamson	

Vote after roll call:

Yea to Nay—Jon Thomas

The Committee on Commerce offered the following amendment which was moved by Senator Scarborough and adopted:

**Amendment 6**—On page 1 in title, line 7, after the semicolon insert: providing a savings clause;

Senator Scarborough moved the following amendment which was adopted:

**Amendment 7**—On page 1 in title, line 7, after the semicolon insert: providing exception;

Senator Vogt moved the following amendment which was adopted:

**Amendment 8**—On page 1, line 30, strike "represented" and insert: evidenced

Senator Gallen moved that the rules be waived and SB 1070 as amended be read the third time by title. The motion was adopted. The vote was:

Yeas—23

Mr. President	Henderson	Sayler	Tobiasen
Chamberlin	Holloway	Scarborough	Vogt
Childers, W. D.	McClain	Scott	Ware
Gallen	Myers	Skinner	Williamson
Glisson	Poston	Thomas, Jon	Winn
Gorman	Renick	Thomas, Pat	

Nays—11

Castor	Graham	Peterson	Wilson
Childers, Don	Johnston	Spicola	Zinkil
Dunn	MacKay	Trask	

SB 1070 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—23

Mr. President	Gorman	Renick	Tobiasen
Chamberlin	Henderson	Sayler	Trask
Childers, W. D.	Holloway	Scarborough	Vogt
Firestone	McClain	Scott	Williamson
Gallen	Myers	Skinner	Winn
Glisson	Poston	Thomas, Jon	

Nays—12

Castor	Graham	Peterson	Ware
Childers, Don	Johnston	Spicola	Wilson
Dunn	MacKay	Thomas, Pat	Zinkil

SB 1071—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.01(10), Florida Statutes; including alcoholic beverage merchandise discounts within the definition of "discount in the usual course of business"; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Scarborough and failed:

**Amendment 1**—On page 1, line 15, strike "alcoholic beverage" and insert: *spirituous and vinous beverages*

Senator Scarborough moved the following amendment which was adopted:

**Amendment 2**—On page 1, line 11, strike all of Section 1. and insert: Section 1. Subsection (10) of section 561.01, Florida Statutes, is amended to read:

561.01 Definitions.—As used in the Beverage Law:

(10) "Discount in the usual course of business" means a cash or *spirituous or vinous beverage merchandise* discount given simultaneously pursuant to an agreement made at the time of sale. *Provided, however, that such agreement shall not result in an accrued, accumulated, or retroactive discount.* The same discounts shall be offered to all vendors buying similar quantities. Any discount which is in violation of this section shall be considered an arrangement for financial assistance by gift.

The Committee on Commerce offered the following amendment which was moved by Senator Scarborough and failed:

**Amendment 3**—On page 1, line 16, strike "at the time of sale." and insert: at the time of agreement between vendors and distributors. *Provided, however, that such agreement shall not result in accumulated, accrued or retroactive discounts.*

The Committee on Commerce offered the following amendment which was moved by Senator Scarborough and adopted:

**Amendment 4**—On page 1 in title, line 4, strike "alcoholic beverage" and insert: *spirituous and vinous beverages*

On motion by Senator Scarborough the Senate reconsidered the vote by which Amendment 4 was adopted. Amendment 4 failed.

On motion by Senator Winn, by two-thirds vote SB 1071 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—33

Mr. President	Henderson	Sayler	Vogt
Chamberlin	Holloway	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Wilson
Firestone	McClain	Spicola	Winn
Gallen	Myers	Thomas, Jon	Zinkil
Glisson	Plante	Thomas, Pat	
Gorman	Poston	Tobiassen	
Graham	Renick	Trask	

## Nays—None

Vote after roll call:

Nay—Peterson

SB 1073—A bill to be entitled An act relating to alcoholic beverages; amending s. 562.18, Florida Statutes; permitting the operation of bonded warehouses by certain vendors which warehouses have been approved by the United States as to payment of federal excise taxes; requiring all taxes imposed under the Beverage Law on beverages stored in such warehouses be paid; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Henderson and adopted:

**Amendment 1**—On page 1, line 22, after the word "vendor" insert: *permitted to operate such warehouse prior to January 1, 1978*

On motion by Senator Henderson, further consideration of SB 1073 was deferred.

SB 1072—A bill to be entitled An act relating to alcoholic beverages; amending s. 562.41(5), Florida Statutes; deleting language authorizing sheriffs, deputy sheriffs, and police officers to search licensed premises without search warrants; providing an effective date.

—was read the second time by title.

Senator Scarborough moved that the rules be waived and SB 1072 be read the third time by title. The motion failed.

By the Committee on Education and Senators Peterson and MacKay—

CS for SCR 960—A concurrent resolution approving the types, amounts and use of registration fees, tuition fees, and course fees to be charged and collected from students enrolled in the institutions of higher learning under the Board of Regents starting with fall quarter of 1978; providing a contingency; authorizing waiver of tuition for non-Florida students in a specified amount; providing certain assurances; requiring a report.

—was read the first time by title and SCR 960 was laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for SCR 960 was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

**Amendment 1**—On page 6, line 6, insert a new section: **BE IT FURTHER RESOLVED**, that, prior to submission to the Board of Regents, each proposed project which is to be funded by the capital improvement trust fund fee or the building fee shall be approved by the appropriate university president and the respective student government association.

**Amendment 2**—On page 1, line 11, after the word, "report" insert: ; providing for approval of certain projects

CS for SCR 960 as amended was read by title, adopted, ordered engrossed and then certified to the House. The vote was:

## Yeas—33

Castor	Graham	Poston	Vogt
Chamberlin	Hair	Renick	Ware
Childers, Don	Holloway	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Wilson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil
Glisson	Myers	Thomas, Jon	
Gordon	Peterson	Thomas, Pat	
Gorman	Plante	Tobiassen	

## Nays—None

Vote after roll call:

Yea—Trask

SB 871—A bill to be entitled An act relating to banks and trust companies; amending s. 659.061(6), Florida Statutes; providing that if a trust company establishes a trust service office at the location of a bank that has trust powers, the bank shall retain its trust powers unless otherwise provided in the application to establish such office; providing that a trust company which is establishing a trust service office in a bank that has trust powers may elect in its application, with the consent of the bank, to become successor fiduciary; providing that a trust company which has established a trust service office at a bank that has retained its trust powers may elect, with the consent of the bank, to become successor fiduciary at any time by filing an election with the Department of Banking and Finance; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Hair and adopted:

**Amendment 1**—On page 2, line 31 and on page 3, line 1, strike "*pursuant to paragraph (a) or the provisions of this section*"

**Amendment 2**—On page 3, lines 8, 9 and 10, strike "*The substitution as fiduciary shall occur and be effective on the day election is filed with the department.*"

On motion by Senator Hair, by two-thirds vote SB 871 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—33

Mr. President	Gorman	Plante	Vogt
Castor	Graham	Poston	Ware
Chamberlin	Hair	Renick	Williamson
Childers, Don	Holloway	Sayler	Wilson
Childers, W. D.	Johnston	Spicola	Winn
Firestone	MacKay	Thomas, Jon	Zinkil
Gallen	McClain	Thomas, Pat	
Glisson	Myers	Tobiassen	
Gordon	Peterson	Trask	

## Nays—None

On motion by Senator Myers, the rules were waived and the Senate reverted to SB 1072.

On motion by Senator Myers the Senate reconsidered the vote by which SB 1072 failed to be placed on third reading.

On motion by Senator Myers, by two-thirds vote—

SB 1072—A bill to be entitled An act relating to alcoholic beverages; amending s. 562.41(5), Florida Statutes; deleting language authorizing sheriffs, deputy sheriffs, and police officers to search licensed premises without search warrants; providing an effective date.

—was read the third time by title and failed to pass. The vote was:

## Yeas—5

Childers, W. D. Scarborough Skinner Thomas, Jon  
Glisson

## Nays—27

Castor	Graham	Poston	Trask
Chamberlin	Holloway	Renick	Vogt
Childers, Don	Johnston	Saylor	Ware
Firestone	MacKay	Scott	Williamson
Gallen	McClain	Spicola	Wilson
Gordon	Myers	Thomas, Pat	Zinkil
Gorman	Plante	Tobiassen	

## Votes after roll call:

## Nay—Winn

Yea to Nay—W. D. Childers, Scarborough, Skinner

SB 827—A bill to be entitled An act relating to local price controls on rent for luxury apartments; amending ss. 125.0103(4), 166.043(4), Florida Statutes; prohibiting certain local price controls on rents charged for dwelling units in luxury apartment buildings; defining luxury apartment building; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Gallen and failed:

**Amendment 1**—On page 1, lines 26 and 28, strike “1,260,792” and insert: 600,000

**Amendment 2**—On page 2, lines 13 and 15, strike “1,260,792” and insert: 600,000

On motion by Senator Gallen, by two-thirds vote SB 827 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—27

Mr. President	Holloway	Saylor	Tobiassen
Castor	MacKay	Scarborough	Trask
Childers, W. D.	McClain	Scott	Vogt
Dunn	Myers	Skinner	Ware
Gallen	Plante	Spicola	Wilson
Gorman	Poston	Thomas, Jon	Winn
Graham	Renick	Thomas, Pat	

## Nays—3

Chamberlin Childers, Don Glisson

SB 901—A bill to be entitled An act relating to the protection of underground gas pipelines; amending s. 553.851(2) (b), Florida Statutes, and adding paragraph (f) to said subsection, requiring the clerk of the circuit court to keep a gas pipeline file; requiring excavators who seek a permit to excavate on land which contains a buried gas pipeline to provide the owner with described notice; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote SB 901 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—32

Mr. President	Gorman	Plante	Thomas, Pat
Castor	Graham	Poston	Tobiassen
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Myers	Thomas, Jon	Zinkil

## Nays—None

## Vote after roll call:

## Yea—Saylor

SB 963—A bill to be entitled An act relating to banks and trust companies; amending s. 658.11, Florida Statutes; prescribing the time period for which banks or trust companies are required to preserve or keep their records or files or copies thereof; providing that liability will not accrue against a bank

or trust company which destroys such records or files or copies thereof after the expiration of the specified period of time; providing when a showing that records or files or copies thereof have been destroyed shall be a sufficient excuse for failure to produce them in a cause or proceeding in which they are demanded; providing for copying of records and providing for admissibility of such copies as evidence; defining “original of a record” and “copy of a record”; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 963 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—29

Mr. President	Gorman	Renick	Ware
Castor	Holloway	Scarborough	Williamson
Chamberlin	Johnston	Skinner	Wilson
Childers, Don	MacKay	Spicola	Winn
Childers, W. D.	McClain	Thomas, Jon	Zinkil
Firestone	Myers	Thomas, Pat	
Gallen	Plante	Tobiassen	
Glisson	Poston	Vogt	

## Nays—None

## Votes after roll call:

## Yea—Saylor, Scott, Graham

SB 839—A bill to be entitled An act relating to county boundaries; amending ss. 7.06 and 7.13, Florida Statutes, to extend the boundaries of Broward County to include certain property in Dade County; providing for the effect on state funding and taxing formulas; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Zinkil and adopted:

**Amendment 1**—On page 6, line 10-12, strike all of Section 3.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Zinkil and failed:

**Amendment 2**—On page 6, line 13, strike “October 1” and insert: December 1

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Zinkil and adopted:

**Amendment 3**—On page 1 in title, line 5, strike “providing for the effect on state funding and taxing formulas;”

On motion by Senator Zinkil, by two-thirds vote SB 839 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—29

Mr. President	Gorman	Renick	Tobiassen
Castor	Holloway	Saylor	Vogt
Chamberlin	Johnston	Scarborough	Ware
Childers, Don	MacKay	Scott	Williamson
Childers, W. D.	McClain	Skinner	Winn
Firestone	Myers	Spicola	
Gallen	Plante	Thomas, Jon	
Glisson	Poston	Thomas, Pat	

## Nays—None

## Vote after roll call:

## Yea—Graham

HB 1075—A bill to be entitled An act relating to administrative procedure; amending various sections and subunits of sections of the Florida Statutes for the purpose of deleting or amending all provisions relating to rulemaking, agency orders, administrative adjudication or judicial review conflicting with or rendered unnecessary by chapter 120, Florida Statutes, as



enacted by chapter 74-310, Laws of Florida, and subsequently amended; placing the affected sections of the Florida Statutes of the above agencies in conformity with chapter 120, Florida Statutes, with the following exceptions and clarifications: amending s. 380.10(2), Florida Statutes, relating to emergency orders of the Administration Commission in developments of regional impact; amending s. 120.57(1)(a), Florida Statutes, authorizing the Department of Agriculture and Consumer Services to conduct its own formal hearings under chapter 601, Florida Statutes; amending s. 231.36(6), Florida Statutes, clarifying that district school boards may suspend employees without pay under certain circumstances; amending s. 239.582(1), Florida Statutes, relating to suspension of students for possession or sale of controlled substances; amending s. 601.111(2), Florida Statutes, clarifying that Department of Citrus rules lowering standards during emergencies shall be effective no longer than 1 year; amending s. 601.152, Florida Statutes, clarifying that citrus special marketing campaigns are marketing orders; amending s. 443.07(4)(e), Florida Statutes, limiting venue of review of orders of the Board of Review for unemployment compensation claims; amending ss. 120.57(1)(a) and 443.15(2)(a), Florida Statutes, allowing Department of Commerce proceedings involving disputed unemployment compensation assessments to be conducted by a special deputy; amending s. 394.457(6), Florida Statutes, relating to the Department of Health and Rehabilitative Services, providing that hearing officers' orders authorizing continued involuntary hospitalization shall be final and subject to judicial review; amending s. 322.27(1), Florida Statutes, clarifying that the Department of Highway Safety and Motor Vehicles may suspend drivers' licenses without preliminary hearing under certain circumstances; amending s. 322.31, Florida Statutes, providing that judicial review of suspension or revocation of drivers' licenses shall be in circuit court; amending s. 367.051(2), Florida Statutes, clarifying that any consumer, utility or governmental agency in the affected territory may trigger a Public Service Commission hearing on certification of a water and sewer utility; amending various sections of the Florida Statutes to continue requirements for notice prior to rulemaking or hearings that are in excess of and in addition to requirements in chapter 120; amending s. 120.60(2), Florida Statutes, to require agencies to grant or deny licenses in less than 90 days if otherwise required by law; amending s. 120.72(1), Florida Statutes, to amend the legislative intent of the Administrative Procedure Act; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 1075 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—30

Mr. President	Holloway	Sayler	Vogt
Castor	Johnston	Scarborough	Ware
Childers, Don	MacKay	Skinner	Williamson
Childers, W. D.	McClain	Spicola	Winn
Firestone	Myers	Thomas, Jon	Winn
Gallen	Plante	Thomas, Pat	Zinkil
Glisson	Poston	Tobiassen	
Gorman	Renick	Trask	

## Nays—None

## Vote after roll call:

Yea—Graham

SB 628—A bill to be entitled An act relating to the accessibility of buildings to handicapped persons; amending s. 553.45, Florida Statutes; defining "living unit"; amending s. 553.46(2), Florida Statutes; providing for the removal of certain obstructions of common or emergency exits; providing penalties; amending ss. 553.47, 553.48, Florida Statutes; redesignating building occupancy classifications; modifying certain features required to provide accessibility of new buildings to handicapped persons; providing for the granting of exemptions from accessibility requirements by the Florida Board of Building Codes and Standards in certain circumstances; providing an effective date.

—was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—25

Mr. President	Gorman	Sayler	Trask
Castor	Holloway	Scarborough	Williamson
Childers, Don	MacKay	Skinner	Winn
Childers, W. D.	McClain	Spicola	Zinkil
Firestone	Plante	Thomas, Jon	
Gallen	Poston	Thomas, Pat	
Glisson	Renick	Tobiassen	

## Nays—4

Johnston	Myers	Vogt	Wilson
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## Vote after roll call:

Yea—Graham

Yea to Nay—MacKay

The Senate resumed consideration of—

SB 1073—A bill to be entitled An act relating to alcoholic beverages; amending s. 562.18, Florida Statutes; permitting the operation of bonded warehouses by certain vendors which warehouses have been approved by the United States as to payment of federal excise taxes; requiring all taxes imposed under the Beverage Law on beverages stored in such warehouses be paid; providing an effective date.

On motion by Senator Henderson, the Senate reconsidered the vote by which Amendment 1 was adopted.

The question recurred on Amendment 1 which failed.

The Committee on Commerce offered the following amendment which was moved by Senator Henderson and adopted:

**Amendment 2**—On page 1, lines 25 through 27, strike "*any alcoholic beverages stored in a bonded warehouse operated by a vendor hereunder shall have all taxes imposed by the Beverage Law paid.*" and insert: *Any alcoholic beverage stored in a state bonded warehouse operated by a vendor must have been purchased from a distributor responsible for the state taxes imposed by the Beverage Law.*

Senator Pat Thomas moved the following amendment:

**Amendment 3**—On page 1, strike all of line 28 and insert:

Section 2. Subsection (2) of section 561.14, Florida Statutes, is amended to read:

561.14 License classification.—Licenses referred to in the Beverage Law shall be classified as follows:

(2) Distributors licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages. *No distributor may refuse to sell, to any licensed vendor, any brand of alcoholic beverage handled by the distributor.*

Section 3. This act shall take effect July 1, 1978.

Senator Henderson raised a point of order that Amendment 3 was not germane to the bill as it would amend Section 561.14, Florida Statutes, and SB 1073 addresses Section 562.18, Florida Statutes.

The President ruled the point well taken and Amendment 3 out of order.

The Committee on Commerce offered the following amendment which was moved by Senator Henderson and adopted:

**Amendment 4**—On page 1 in title, lines 5-9, strike "*which warehouses have been approved by the United States as to payment of federal excise taxes; requiring all taxes imposed under the Beverage Law on beverages stored in such warehouses be paid*" and insert: *after approval of the United States as to the payment of federal excise taxes; requiring vendor to purchase the alcoholic beverage from a distributor responsible for state tax*

On motion by Senator Henderson, by two-thirds vote SB 1073 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—31

Mr. President	Graham	Sayler	Trask
Castor	Henderson	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Johnston	Skinner	Williamson
Firestone	McClain	Spicola	Wilson
Gallen	Plante	Thomas, Jon	Winn
Glisson	Poston	Thomas, Pat	Zinkil
Gorman	Renick	Tobiassen	

## Nays—3

Childers, Don    MacKay    Myers

Senator MacKay moved that the Senate reconsider the vote by which HB 1043 passed on May 10.

The motion was placed on the calendar for consideration May 17.

SB 1128—A bill to be entitled An act relating to the Department of Transportation; amending section 1, chapter 77-418, Laws of Florida; providing for the payment of the costs of relocating and replacing water supply facilities in the construction and reconstruction of the Florida Keys bridges; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Holloway and adopted:

**Amendment 1**—On page 1, strike all of line 18 and insert: *Florida and available specifically* for the purpose, or is authorized to pay

On motion by Senator Holloway, by two-thirds vote SB 1128 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—33

Mr. President	Henderson	Sayler	Vogt
Castor	Holloway	Scarborough	Ware
Childers, Don	Johnston	Scott	Williamson
Childers, W. D.	MacKay	Skinner	Wilson
Firestone	McClain	Spicola	Winn
Gallen	Myers	Thomas, Jon	Zinkil
Glisson	Plante	Thomas, Pat	
Gorman	Poston	Tobiassen	
Graham	Renick	Trask	

## Nays—None

On motion by Senator Holloway, the rules were waived and SB 1128 after being engrossed was ordered immediately certified to the House.

By the Committee on Commerce and Senator MacKay—

CS for CS for SB 166—A bill to be entitled An act relating to medical malpractice; amending s. 768.54(3)(b), Florida Statutes; relating to the Florida Patient's Compensation Fund; providing that the fund shall be governed by a Board of Governors and providing for the composition of such board; providing an effective date.

—was read the first time by title and CS for SB 166 and SB 166 were laid on the table.

On motions by Senator MacKay, by two-thirds vote CS for CS for SB 166 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—33

Mr. President	Firestone	Holloway	Poston
Castor	Gallen	Johnston	Renick
Chamberlin	Glisson	MacKay	Sayler
Childers, Don	Gorman	McClain	Scarborough
Childers, W. D.	Graham	Myers	Skinner
Dunn	Henderson	Plante	Spicola

Thomas, Jon	Trask	Williamson	Zinkil
Thomas, Pat	Vogt	Winn	
Tobiassen	Ware		

## Nays—1

Wilson

On motion by Senator Wilson, the rules were waived and SB 1147 was ordered immediately certified to the House.

SB 1202—A bill to be entitled An act relating to legal holidays; adding a new paragraph (e) to s. 683.01(1), Florida Statutes, designating Susan B. Anthony's birthday as a legal holiday; providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote SB 1202 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—32

Mr. President	Glisson	Myers	Thomas, Pat
Castor	Gorman	Plante	Tobiassen
Chamberlin	Graham	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	MacKay	Skinner	Wilson
Gallen	McClain	Thomas, Jon	Zinkil

## Nays—None

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HM 341 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Trask, the rules were waived and by two-thirds vote HM 1614 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote referred to the Committee on Agriculture.

On motion by Senator Trask, the rules were waived and the Committee on Agriculture was granted permission to consider HM 1614 May 15.

On motion by Senator Myers, the rules were waived and by two-thirds vote SB 1131 was withdrawn from the Committee on Transportation.

## Votes Recorded

By unanimous consent, Senator Spicola was recorded as voting yea on the following bills which passed May 10: SB 520, SB 621, SB 571, SB 609, CS for SB 642, SB 668, SB 707, SM 709, SM 738, SB 777, SB 806, HB 38, SB 766, SB 850, SB 862 and SB 681.

By unanimous consent, Senator W. D. Childers was recorded as voting yea on CS for SB 642 which passed May 10.

## ENROLLING REPORTS

CS for SB 688 and SB 49 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 11, 1978.

Joe Brown, Secretary

## CO-INTRODUCERS

Senator Don Childers—SB 1233 and SB 564; Senator Renick—SB 1233 and SB 564; Senator Graham—SB 797.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 10 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:03 p.m. to convene at 8:30 a.m., May 12, 1978 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.